

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 15582 of 2006(E)

**AGAINST THE ORDER IN EP.451/81,EA.1123/05 IN
OS.275/1964 of PRL.M.C.,ERNAKULAM**
.....

PETITIONER: 1ST PETITIONER

**SANTHA, AGED 32 YRS, D/O. LATE
RAMANKUTTY, THADATHIL PUTHENPURAYIL HOUSE,
KANAYANNOOR DESOM, CHOTTANIKKARA.**

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: PETITIONERS 11 TO 13

- 1. MARY, D/O. CHERIA,
PARAKKULANGARA, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**
- 2. AMMINI, W/O. LATE VARKEY,
PARAKKULANGARA, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**
- 3. P.V.ALIAS, S/O. VARKEY,
PARAKKULANGARA, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**
- 4. P.V.ELMY, D/O. VARKEY,
PARAKKULANGARA, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**
- 5. THANKAPPAN, S/O. AYYAPPAN,
OORAKKUTHIL HOUSE, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**
- 6. PARAMU, S/O. AYYAPPAN,
OORAKKUTHI HOUSE, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**

**7. KUTTAPPAN, S/O. KUNJERUKKAN,
VALINJAMPURATHU HOUSE, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**

**8. KALYANI, D/O. KUNJAN,
OORAKKUTHIL HOUSE, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**

**9. MANI, S/O. KALYANI,
OORAKKUTHIL HOUSE, KANAYANNOOR DESOM,
KANAYANNOOR VILLAGE.**

**10. SURENDRAN, AGED 39 YRS, S/O. LATE
RAMANKUTTY, THADATHIL PUTHENPURAYIL HOUSE,
KANAYANNOOR DESOM, CHOTTANIKKARA.**

**11. CHANDRAMATHY, AGED 35 YRS,
D/O. LATE RAMANKUTTY, THADATHIL PUTHENPURAYIL
HOUSE, KANAYANNOOR DESOM, CHOTTANIKKARA.**

**12. NALINI, AGED 37 YRS, D/O. LATE
RAMANKUTTY, THADATHIL PUTHENPURAYIL HOUSE,
KANAYANNOOR DESOM, CHOTTANIKKARA.**

R1 TO R4 BY ADV. SRI.M.RAVIKUMAR.

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX

- EXT. P1 TRUE COPY OF THE POSSESSION CERTIFICATE ISSUED TO PETITIONER'S FATHER RAMANKUTTY BY THE TAHSILDAR.**
- EXT.P2 TRUE COPY OF THE BUILDING ASSESSMENT REGISTER FOR THE PERIOD 1.4.83 TO 31.3.88.**
- EXT.P3 TRUE COPY OF THE BUILDING ASSESSMENT REGISTER FOR THE PERIOD 1988-89 TO 1992-93.**
- EXT.P4 TRUE COPY OF THE JUDGMENT DTD.20.12.00 IN O.S.1107/00 OF THE II ADDL. MUNSIFF'S COURT, ERNAKULAM.**
- EXT.P5 TRUE COPY OF THE DECREE DTD.20.12.00 IN OS 1107/00 OF THE II ADDL. MUNSIFF'S COURT, ERNAKULAM.**
- EXT.P6 TRUE COPY OF THE COMMON ORDER DTD.6.3.06 IN E.A.1123/05 AND E.A.1124/05 IN E.P.451/81 IN O.S./275/84 OF THE PRINCIPAL MUNSIFF COURT, ERNAKULAM.**
- EXT.P7 TRUE COPY OF THE COMMON ORDER IN E.A.410/05 IN E.A.356/99 IN EP 450/81 DTD.6.3.06 OF THE PRINCIPAL MUNSIFF COURT, ERNAKULAM**
- EXT.P8 TRUE COPY OF THE ORDER DTD.6.3.06 IN E.A.978/05 IN EA 11/98 IN OS 14/83.**

[True copy]

P.A. to Judge.

M.N. KRISHNAN, J.
= = = = =
W.P.C. NO. 15582 OF 2006
= = = = =
Dated this the 2nd day of July, 2007.

J U D G M E N T

This writ petition is filed seeking to quash Exts.P6 to P8 orders. Regarding Ext.P8 I have already passed an order in W.P.C.15599/06. Now, in the present petition, Ext.P6 is an order passed in E.A.1123/05 and 1124/05 in E.P.451/81 in O.S.275/64. Ext.P7 is the order passed in E.A.410/05 in E.A.356/99. E.A.356/99 is an a claim petition which is dismissed for default. In order to restore it E.A.410/05 is filed during the pendency of the other application or so. All applications are filed to implead the legal representatives of deceased Ramankutty. The learned Munsiff has dismissed all these applications and I am informed that E.A.330/06 is filed to review the order in E.A.410/05. Or in other words, further matters can be proceeded only if the order passed in E.A.410/05 is reviewed and the same is restored to file. If the Court finds that the order in E.A.410/05 is to be reviewed then it goes without saying that the Court can reconsider E.A.1124/05 for impleading all the legal representatives. Therefore, the writ petition is disposed of directing the Principal

Munsiff, Ernakulam to consider E.A.330/06 which is filed to review E.A.410/05 and thereafter if it is allowed dispose of E.A.1124/05 in accordance with law and if necessary the Court may give direction to implead the petitioners in E.A.410/05 so that the matter is not disposed of on a technical point.

2. I am also directing that the review petition is to be considered for the reason that the original order passed in E.A.410/05 is appealable but now a writ petition is filed against the same. So, the Court below may consider it in accordance with law and dispose of the same and if in case the petitions are allowed, the Court shall try to dispose of the matter as expeditiously as possible within a period of 2 months from the date of restoration.

The writ petition is disposed of accordingly.

M.N. KRISHNAN, JUDGE.

ul/-